

TRUST GAP

Mr. COATS. Madam President, I just returned a couple of hours ago to Washington from Indiana, and over the last several months, as I have been visiting and talking to Hoosiers, I have continued to hear concerns about—and I am concerned, frankly—this widening trust deficit between the American people—at least the people I represent, and I think I can say pretty much across this country—and Washington. The American people lack confidence in Washington, confidence that they are getting the straight story, the hard truth. Not a lot of good things over the past several months have come out of either this body or a number of Washington agencies.

This trust gap is ever widening as we have kind of careened from scandal to scandal, incident to incident, broken promises made by top officials, false statements being made, the latest of which is now this resurrection again of the IRS scandal.

Let me say this: It has been said that no agency in Washington is less forgiving than the Internal Revenue Service. No agency in Washington has more power over the American people than the Internal Revenue Service. If there is an agency that needs to be apolitical and to not engage in anything that could even be deemed political, it is the IRS, given the power they have to destroy your reputation, destroy your finances, and destroy your business.

The way they work is they determine you are in violation, in a sense reversing what is sacrosanct in America; that is, you are innocent until proven guilty, but under the IRS, you are guilty until proven innocent. You have to hire lawyers and accountants and sit down with them to prove you are not violating their rules. That is upside down.

One of the founding principles which sets the United States apart from other nations and makes us exceptional is the First Amendment to the Constitution. Under the First Amendment, Americans are constitutionally guaranteed the right to organize around the issues and values they believe in and the right to disagree with their government. We look around the world and see that is not the case in very many places. But in America, that cherished right to take a position opposite our government—to protest, to organize, and to seek changes as a result of that organization—this liberty is part of what energizes and fuels the very spirit of America and everything we stand for.

So when a so-called independent agency of the Federal Government attacks average American citizens for expressing their beliefs, a fundamental trust is broken and it is very hard to repair. Again, no agency has perhaps more intimidating power over American citizens than the Internal Revenue Service.

We owe it to the American taxpayers to reveal the truth—the full truth—of

what has happened at the IRS and repair the damage of this agency's reckless actions in regard to those who have organized for political purposes, to protest, to assert their First Amendment rights, to follow the law and exercise those First Amendment rights, without having an agency of the government targeting them and intruding on what they are trying to do.

It is clear now that in 2010 the IRS targeted conservative groups—including one in my home State—for extra scrutiny based on political leanings. The agency displayed a stunning abuse of power and complete disregard of our Constitution in taking this action.

Lois Lerner, the former Director of the IRS's Exempt Organizations Unit and the official at the center of this ongoing congressional investigation, refuses to testify before Congress on the advice of her attorney. Yes, she has the right to plead the Fifth Amendment to not answer questions, but we are getting stonewalled by the IRS in getting to the bottom of this and determining what kind of abuse has taken place against the American people. We are trying to reach the truth, but we are being denied that opportunity to reach the truth because those who know the truth refuse to testify under subpoena from the Congress.

Last Friday my House colleagues heard testimony from IRS Commissioner John Koskinen about missing emails from Lerner and six of her IRS subordinates.

Now, isn't this a coincidence? We know the IRS has been targeting groups, attacking their First Amendment rights, and the House oversight committee is seeking to find out whether this happened. The IRS is denying it, but Lois Lerner refuses to testify.

IRS Commissioner Koskinen comes in and says this is not true. OK. Let's prove it.

The IRS asks taxpayers to prove they didn't violate their rights under the IRS rules, but when we ask the IRS: Can you prove whether what you are saying is the truth, that you were not targeting these organizations, they claim they lost the evidence. They say the server crashed and all the emails we could trace back to determine the truth of this are lost. They are all gone.

The American people know that you can get into hard drives and find out everything ever put in there. Isn't it strange that only the IRS determined that, well, this whole thing crashed, so let's get rid of the hard drives.

Now, thousands of emails that could have led to a trace and allowed us to find the truth, disappeared. What a coincidence.

Do we think the American people buy this story? It would be laughable if it wasn't so serious. To claim that 2 years' worth of emails were completely, inadvertently lost is laughable on its face.

So no emails, no backups, a crashed server, assertions made long after

Members of Congress requested the information demonstrates at best a troubling lack of transparency and potentially criminal negligence. After all, the IRS is required to archive these emails by law.

But let's put this in perspective. The very organization that expects busy, hard-working Americans to maintain meticulous financial records and complete extensive, confusing tax forms each year can't find 2 years' worth of emails sent by its own employees. Even though we live in a day and age where virtually nothing ever disappears from the Internet, the IRS wants us to believe these emails are lost for good—and maybe they are if they took all the steps they have taken.

So to echo the comments of my colleague chairman PAUL RYAN: The IRS owes every American taxpayer an apology.

But an apology is not enough. We need answers and we need to find the truth. When this scandal first surfaced, the President promised Americans that he would "work hand-in-hand with Congress to get this thing fixed." That is a quote, "I will work hand in hand with Congress to get this thing fixed."

So how are they fixing it? They are sending the employees who were engaged and involved in this, and they basically either take the Fifth Amendment, saying they will not answer the questions, or they say: Gee. We lost all this stuff. I am sorry. Each of our six hard drives collapsed, and therefore we can't retrieve any kind of evidence that would prove where they are.

I am not a big fan of special prosecutors. I think giving them that power has not always proven to be the best way to get to the bottom of something, but in certain cases where there is such clear evidence that the truth is being withheld and evidence that could lead us to a conclusion is potentially being destroyed—I think that is the only way we are going to get to the bottom of this.

We need to start restoring the trust of the American people in their government agencies and in their government. Until we get to the bottom of this, this widening trust gap is going to continue.

Appointing an independent investigator would allow us access to Federal computer records to determine whether copies of these missing emails can be found on the government IT network. Perhaps they have scrubbed them in a way that it will not happen, but at least it would allow us an independent assessment of what is going on.

We can work to restore trust, but doing so will require answers and honesty from the Internal Revenue Service, which we are not getting.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

RETIREMENT OF COLONEL MICHAEL COLBURN

Mr. LEAHY. Madam President, next month Col. Michael Colburn, who is the

director of the U.S. Marine Band, will retire after nearly 30 years with this history-rich and venerated organization.

We like the Marine Band, of course. My son is a Marine. But it is especially nice because Colonel Colburn is a native Vermonter, and his appreciation for the band, known worldwide as "The President's Own," began decades ago when the then-12-year-old euphonium-playing St. Albans native met a principal in the band while at summer band camp in Vermont.

In 1987, Colonel Colburn joined "The President's Own" as a euphonium player and ultimately became the band's director, a post he has held for the last decade. His tenure has taken him around the world and back again. He has played for Presidents and foreign dignitaries, at state dinners and inaugurations and regular performances that thousands have witnessed in Washington at the Marine Barracks during the weekly parades.

I have represented the Green Mountain State of Vermont in this Chamber longer than anyone in the history of our State. So you can imagine my enthusiasm when I see a Vermonter here in Washington and all the more so when I have the opportunity of capturing an image such as this, of Colonel Colburn conducting "The President's Own" during the January 2013 inauguration of President Obama. I was standing up on the stand when the President was being inaugurated and took that picture of Colonel Colburn. Of course, the whole world was watching the Colonel and watching the President.

I join with the proud citizens of Vermont and the people of a grateful nation in thanking Colonel Colburn for his service and his many, many memorable performances conducting "The President's Own," following in the footsteps of John Philip Sousa and making his own giant footsteps for others to follow. I wish him the very best as he begins the next chapter of his career as the director of bands at the University of Indianapolis.

I ask unanimous consent to have printed in the RECORD an interview with Colonel Colburn published in the Marine Corps Times in February.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Marine Corps Times, Feb. 2, 2014]
 'PRESIDENT'S OWN' LEADER LOOKS BACK ON
 TIME WITH ELITE MARINE BAND
 (By Gina Harkins)

When Col. Michael Colburn was a 12-year-old euphonium player at a summer band camp in Vermont, he was in awe of one of the instructors there, Lucas Spiros, a principal in the United States Marine Band.

Colburn said the Marine, a fellow euphonium player, left a lasting impression.

"It was really the first time I thought, 'Hey, I could do that for a living,'" Colburn said. "From that moment on, I pursued my musical studies more diligently."

When Colburn himself joined "The President's Own" as a euphonium player in 1987,

he had no idea his career path would lead to becoming director of the prestigious band. Now 27 years later, he's just months shy of his final performance with the band. He'll retire from the Marine Corps in July, and take over as the next director of bands at Butler University in Indianapolis.

Colburn said he wants young musicians to know that if they work hard and use their creativity, they can still pursue a career doing what they love. After all, his perseverance led him through seven presidential inaugurations, to the former Soviet Union and to the stage of the "Late Show with David Letterman."

Q. Tell us what has surprised you during your time with "The President's Own."

A. In my early days as a conductor [while a member of the band], I had an interesting experience at the White House. I was leading our orchestra and was tapped on the elbow. I turned around and it was President Bill Clinton. He was very interested in the piece of music we were playing and had many questions that I tried to answer while I was conducting the orchestra. I realized that even though we were providing background music for a social event, you never know who's listening very carefully—it could be your commander in chief.

Q. What's one of the most rewarding things you've done with the band as a Marine?

A. Back when I was a player in the band, we toured the former Soviet Union for three weeks. That was really a memorable experience because it was in the 1990s, when the Soviet Union was really starting to come apart at the seams. To spend three weeks traveling the country and getting to know the people who lived behind the Iron Curtain—who we really didn't know on a personal level at all—to hear their stories and learn how much we had in common is something I'll never forget.

Q. After all these years with the band, is there any one song that you tend to feel strongly about when you guys play it?

A. People often ask whether I'm sick of playing "The Stars and Stripes Forever." But even after these thousands of performances, we never get tired of it. And there's one reason for that, and it's the audience's response to it, especially if they don't know it's coming. The "oohs and aahs" and the cheering make you feel like you're playing it for the first time.

Q. Most troops do their job without much interaction with the public. What's it like to carry out your job on a stage?

A. We really do understand that so much of our military indeed works behind the scenes. They don't have the privilege of being on a stage and receiving applause. It's especially during our tour concerts when we play the "Armed Forces Medley," which includes all the service songs, that we remember all the men and women serving in uniform who are in difficult and trying circumstances where no one is offering applause. In those moments, we feel we are representing all those troops when performing for the American public.

Q. As you move into academia, what are some of the things you're going to miss the most about the Marine Corps?

A. A lot of people assume my favorite part of the job is making music at the White House or meeting politicians and celebrities. That is thrilling, and I've loved it. But really the best part has to do with the quality of the people I've had the chance to work with in "The President's Own." They're some of the finest people I've met. I'm really excited about the opportunity to make music with students, and I hope I can bring the very high standards that I have hopefully developed during my Marine Corps career.

JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, the judges that fill the two Federal district court seats in my home State have an extraordinary impact on the lives of Vermonters. So when I learned that one of my dearest friends, Judge William Sessions, was to take senior status after 18 years of distinguished service on the Vermont district court, I took seriously my responsibility to act swiftly to identify a candidate to recommend to President Obama for nomination. I worked with Senator SANDERS, Representative WELCH, and the Vermont Bar Association to convene a nonpartisan merit commission to find highly qualified candidates.

So I again thank the nine members of the nonpartisan Vermont Judicial Selection Commission, under the leadership of Peter Van Oot, for the time, effort, and insight they invested in the screening process. We are fortunate in our small State of Vermont to have so many highly qualified lawyers in the field of applicants willing to serve in such a demanding post. There were a number of highly qualified people. After being vetted and recommended to me by the commission, I recommended Justice Geoffrey Crawford to President Obama. I told the President I was not surprised that after the American Bar Association Standing Committee on the Federal Judiciary finished its vetting, they gave him their highest rating of unanimously well qualified.

Justice Crawford has significant criminal and civil experience. He was a Vermont trial court judge for 11 years and recently became an Associate Justice on the Vermont Supreme Court. He formerly was a partner in a Burlington law firm. Justice Crawford earned his B.A., cum laude, from Yale University and his J.D., cum laude, from Harvard Law School. Following law school he served as a law clerk to Judge Albert Coffrin of the U.S. District Court for the District of Vermont.

I did not know Justice Crawford personally before this process, but when I did meet him I was struck by his brilliance, compassion, and humility. Justice Crawford earned a stellar reputation in Vermont's legal community, and also from those who had appeared before him, as a careful jurist who understands the effects that legal rulings have on people's lives. I have no doubt that once confirmed he will bring that same understanding and impartiality to the Federal bench.

The Judiciary Committee favorably reported Justice Crawford's nomination unanimously by voice vote to the full Senate. Justice Crawford, like the three other nominees we will vote on today, has been nominated to fill an emergency vacancy. He is a qualified uncontroversial nominee with the full support of his home state Senators. He and the three other nominees deserve to be confirmed without delay.

I thank the majority leader for bringing these nominations up for a vote and urge Senators to vote to defeat